

MINUTES
RULES COMMITTEE MEETING
COMMISSION FOR MH/DD/SAS
HOLIDAY INN NORTH (2805 HIGHWOODS BOULEVARD –
OFF CAPITAL BOULEVARD)

October 1, 2003

Attending:

Commission/Committee Members: Floyd McCullouch, Chair, Pender McElroy, William Sims, Martha Martinat, Dorothy Crawford, Anna Scheyett, Fredrica Turner Stell, Emily Moore, George Jones, Albert Fisher, Ellen Holliman, Laura Coker, Mazie Fleetwood, Pearl Finch, Mansfield Elmore

Ex-Officio Members: Mike Mayer, Joe Donovan, Sally Cameron, Carol Clayton

Excused: Jeanne Fenner, Lois Batton

Others: Peggy Balak, Don Willis, Cindy Kornegay, Stephanie Alexander, Susan Collins, Jeff Horton, John Womble, Marilyn Goddette, Joe DeLuca, Ann Rodriguez, Flo Stein, Chris Phillips, Joe Glover, John L. Crawford

Handouts: Agenda; July 9, 2003 Minutes; House Bill 860; Office-Based Opioid Treatment Proposed Rule Language; Senate Bill 926; DMH/DD/SAS Denial of Licensure Proposed Rule Language; DMA Medicaid Enrollment Proposed Rule Language; DSS Family Foster Home Proposed Rule Language; DSS Residential Child Care Facilities Proposed Rule Language; Comparison of Rulemaking Process under Former APA & S.L. 2003-229 (HB 1151); Memo from Rich Visingardi to Area Program Directors, et. al., re Division's Deputy Director; NMHA Department of Government Affairs Report to the Board of Directors August 2003; and Rulemaking and Waiver Requests Policies and Procedures.

Chair Floyd McCullouch called the meeting to order at 11:00 a.m.

All members, staff and visitors made introductions. Mr. McCullouch introduced Anna Scheyett as serving as Co-Chair of the Rules Committee.

Fredrica Stell made a motion to approve the Minutes from the July 9, 2003 meeting. William Sims seconded the motion and it passed unanimously.

Pender McElroy announced the resignation of Joe Coulter from the Commission. He also welcomed Mazie Fleetwood as a new appointee.

Mr. McElroy announced to the Commission (handout) the resignation of Tara Larson from the Division to take a position with the Division of Information Resource

Management. He also read a note from Ms. Larson to the Commission members and Chairman expressing her appreciation for the Commission's support and commitment to people with disabilities.

Mr. McElroy encouraged members to attend the N. C. Council of Community Programs conference in November. There are four slots discounted for members who wish to attend. Interested members are to let Peggy Balak or Mr. McElroy know if they wish to attend. Mansfield Elmore expressed his interest in attending.

Don Willis informed the members that the Division would reimburse hotel and travel for members interested in attending.

HB 860 – Drug Detector Dog Legislation Update

Johnny Womble presented the legislative act that amended registration requirements and fees to engage in limited use of controlled substances for the purposes of training drug detection dogs. He explained these new requirements govern non-law enforcement persons. Draft rule language will be developed and expedited in the near future.

Mr. Womble introduced Joe Glover to explain the purpose of this legislation and how it can be useful in training drug detection dog handlers. Mr. Glover told the members of his interest in providing drug detection dog services as a private agency as allowed by the new legislation. At issue is the ability of providers such as Mr. Glover to obtain "street" drugs to train dogs to be proficient detectors.

After much discussion on this legislation, it was requested that information on the process by which drugs are going to be allocated be identified and presented at the next Rules Committee meeting.

Office-Based Opioid Treatment – Proposed Rule Language

Mr. Womble presented the proposed rule language noting where the additions/changes were made throughout the rules. Several suggestions were made regarding the language being consistent throughout the rules. It was suggested to change opioid treatment to opioid addiction throughout and to change the treatment of opioid addiction to the practice of opioid addiction.

As a result, the staff will clean the rules up and bring back to the Commission Meeting in November.

Albert Fisher made a motion to send the revised rules language to the Commission. Mr. McElroy recommended the rules go before the Commission and be adopted. The motion passed unanimously.

Mr. McElroy then announced that no 2004 schedule has been set. There is a possibility that more Rules Meetings will be scheduled for 2004 and a proposed schedule will be presented to the Commission members at the November 24 meeting.

SB 926 – Proposed Rule Language

Jeff Horton of DFS explained the changes to the SB 926 proposed rules. He presented the revisions that he made (handout). He also explained the three Divisions affected (DSS, DMH/DD/SAS and DMA) and the need to make the three sets of rules consistent. The DMH/DD/SAS rules are Commission rules.

Mr. Horton informed the Commission members of the process used for revising/editing these rules and that input from stakeholders was received.

Mike Mayer, representing The Provider Council endorsed these rules and thanked the DFS for working with them on these revisions/changes.

Emily Moore moved to forward the proposed rules changes to the Commission for adoption and Ms. Stell seconded. The motion passed unanimously.

Update on Legislative Changes in Rulemaking Process

Joe DeLuca of the Rules Review Commission staff presented a brief overview of the legislative changes in the Rulemaking process. He wanted to let the Commission members know that it will be an easier and quicker process for getting permanent rules processed. The temporary rulemaking process has been expanded. The Rules Review Commission now reviews temporary rules. One of the intents of the changes is to discourage the use of temporary rulemaking.

Mr. DeLuca explained what a controversial rule is as opposed to a non-controversial rule.

Mr. McCullough invited Mr. DeLuca to come to a future meeting to provide information on the rulemaking process to new members.

Division Update

Peggy Balak gave a brief presentation on the Rulemaking and Waiver Requests policies and procedures update, explaining it was for information only and intended to inform the members of how the Division staff process these requests.

There was discussion on how to coordinate between the Rules Committee and the staff on rules coming up next year and how to provide the needed information to enable the Commission to make informed decisions, i.e., what's coming up and what the Commission needs to know about it. It was suggested to place a cover sheet on each item on the agenda and denote what action the Committee needs to take.

New Business

The orientation manual is being updated for new members and will be distributed to all Commission members.

The meeting adjourned at 3:30 p.m.